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REMARKS

In response to the Office Action mailed February 10, 2004, applicant requests entry of the foregoing amendment and allowance of this application.

Applicant respectfully traverses the objection to claims 3 and 9. Applicant believes that claims 3 and 9 are different, in that claim 9 additionally recites

said apparatus further comprising a test fluid inlet member engageable in said test fluid inlet port, said test fluid inlet member having a manually engageable shut-off valve for selectively blocking or enabling fluid flow through said test fluid inlet member.

Applicant respectfully traverses the prior art rejection of claims 2-10.

Claims 2 and 10 and 7 are, applicant submits, improperly rejected under 102 over Weir. Claims 2 and 10 and 7 recite a test apparatus for testing the fluid tightness of pipes of different sizes. Weir does not show a test apparatus for testing the fluid tightness of pipes of different sizes. Weir's product (for example, Fig. 14) is a "threaded tee fitting" for joining three pipes. Weir does not have a gauge port in which a test gauge can be connected and a test fluid inlet port in which a test fluid supply line can be connected. In applicant's device the ports are especially adapted to receive a test gauge and a test fluid supply line, which are of a size quite different from that of the multiple-threaded main chamber. Weir does not suggest the multiple threaded wall on a test device. It is a leap of logic to think that. Accordingly, claims 2 and 10 and 7 are not anticipated by Weir.

Applicant respectfully traverses the rejection of claims 3, 4 and 9 on the basis of a Section 103 combination of Weir and Mikiya. The rejection is improper, for one reason, because there is no motivation to combine the references.

Specifically, Mikiya shows a manifold for tools, by which several different tools can be run at one time off the same air compressor. Mikiya's disclosure has nothing to do with the testing of a piping system for pressure tightness. In that regard, it is not even analogous art. As noted above, the Weir device is simply a union and also has nothing to do with the testing of a piping system for pressure tightness. Mikiya and Weir are simply two pipe fitting devices, out of the vast multitude of pipe fitting devices in existence.

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Neither one discusses or relates at all to the object of the present invention, which is the testing of a piping system for pressure tightness.

How then can it be said that there is a motivation to combine the references? For a plumber, for example, to consider the required testing situation, and come up with a device having a plural threaded wall for screwing onto pipes of different sizes, and also having plural ports for engaging a test fluid inlet and a gauge, is certainly invention. He does not have the Mikiya and Weir devices (or patents) in front of him when he is staring at the situation and trying to solve it. He may be vaguely aware of the existence of multiple threaded tees and unions, like Weir's, but the cited prior art is simply not involved with testing (other than the basic concept known to everyone of putting a gauge on a pipe to see what the pressure is). Mikiya has a bleed valve in order to be able to bleed off air pressure to enable disconnection of an air device without the hose (unsafely) popping off. Mikiya needs a gauge to see if there is enough pressure when running several different tools once. These are different uses for the parts of Mikiya's device, unrelated to testing the pressure of an in wall pipe.

Neither reference suggests the multiple threaded wall on a test device, or suggests using one of the ports to put pressure into the multiple threaded wall chamber and test its connected pipe that way,. It is a leap of logic to think that. There is certainly no motivation to combine the references, other than the use of applicant's claim as a blueprint for doing so, which is not permissible. Therefore, this rejection is improper, and claims 3, 4 and 9 are allowable.

Applicant respectfully traverses the rejection of claims 5 and 6 on the basis of a Section 103 combination of Weir and Hager. Contrary to the statements in the Office Action, Hager does not shows a manually engageable shut-off valve for selectively blocking or enabling fluid flow through the test fluid inlet member. Instead, Hager has a check valve 19 that prevents fluid from flowing back into the pump. Thus, taking into account the reasons for allowability set forth above as to base claim 2, claims 5 and 6 are allowable.

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Applicant respectfully traverses the rejection of claim 8 on the basis of a Section 103 combination of Weir and Mikiya and Hager. The need to combine three references to meet the terms of claim 8, itself speaks to the non-obviousness of the claims subject matter. In addition, applicant notes that none of those references is concerned with the testing of fluid tightness of pipes. Therefore, there is certainly no motivation to combine the references, other than the use of applicant's claim as a blueprint for doing so, which is not permissible.

New claims 11-19 are presented and are submitted to be allowable.

New claim 11 depends from claim 2 and specifics a third port having the same configuration as the test fluid inlet port and as the gauge port, and also specifies that the wall has three internally threaded wall portions each having a different diameter whereby the main body can be screwed separately onto three different diameter externally threaded pipes in a fluid-tight manner.

The structure defined by claim 11 is neither shown in nor suggested by the references. No single reference has (or suggests) both a chamber defined by three internally threaded wall portions, and three ports in addition in fluid communication with the chamber. Even in Weir, as construed by the Office Action, there can be only two ports at most. Further, the references are not directed toward testing the fluid tightness of pipes, so the motivation to combine diverse references is lacking. Selecting individual features from a multitude of references, to meet the terms of an applicant's claim, is not permissible, especially where, as here, the structure is put to a different use and for a different purpose not related to that of the references. Accordingly, claim 11 is allowable.

Claim 12 depends from claim 11 and specifies that the test fluid inlet port and the gauge port have diameters that are smaller than the diameters of at least two of the internally threaded wall portions. The structure defined in claim 12 distinguishes from Weir because Weir's ports and threads are all the same size. This difference in size is significant. The type of test apparatus equipment used by plumbers for the purposes noted in the specification of this application, typically has connections that are smaller than pipes being tested—for example, the one quarter inch noted in the specification. Mikiya doesn't

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cure this omission because he does not have multiply threaded ports that are bigger than test and gauge ports. The plumber, confronted with test equipment having relatively small connection diameters and pipes to be tested having relatively large diameters, would not be led to the applicant's invention by recalling Weir's tee or Mikiya's manifold.

Claim 13 depends from claim 12 and specifies that the gauge port and the test fluid inlet port are one quarter inch diameter female threaded ports. This size is nowhere discussed in or shown in the references. This is a known standard size for plumber's test equipment and thus is extremely useful in the present application. There is no suggestion in the references of providing a test apparatus as defined herein with this size ports, for this purpose. Therefore, claim 13 is allowable.

Claim 14 depends from claim 2 and specifies that the gauge port and the test fluid inlet port are smaller in diameter than at least two of the internally threaded wall portions.

The structure defined in claim 14 distinguishes from Weir because Weir's ports and threads are all the same size. This difference in size is significant. The type of test apparatus equipment used by plumbers for the purposes noted in the specification of this application, typically has connections that are smaller than pipes being tested—for example, the one quarter inch noted in the specification. Mikiya doesn't cure this omission because he does not have multiply threaded ports that are bigger than test and gauge ports.

The plumber, confronted with test equipment having relatively small connection diameters and pipes to be tested having relatively large diameters, would not be led to the applicant's invention by recalling Weir's tee or Mikiya's manifold.

Claim 15 depends from claim 14 and specifies that the gauge port and the test fluid inlet port are one quarter inch diameter female threaded ports. This size is nowhere discussed in or shown in the references. This is a known standard size for plumber's test equipment and thus is extremely useful in the present application. There is no suggestion in the references of providing a test apparatus as defined herein with this size ports, for this purpose. Therefore, claim 12 is allowable.

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Claims 16 and 17 specify at least three internally threaded wall portions that range from one-half inch to one inch or more in diameter (16) or (17) from one inch and up in diameter. This difference in size between the gauge port and test port, and the internally threaded wall portions, combined with the three internally threaded wall portions, is not obvious from the references.

Claim 18 specifies that the gauge port and the test fluid inlet port are single threaded ports (as opposed to the opening in the main body having plural internally threaded wall portions. In the Weir patent the devices with multiply threaded walls (for example, the "tee" shown in Fig. 14) have ports that are all multiply threaded. Weir does not address or even conceive of the idea of having one set of multiple threads, and several other single threaded ports--and certainly not for the purpose of a test apparatus as claimed.

Claim 19 specifies a test apparatus as set forth in claim 14 wherein the gauge port and said test fluid inlet port are one quarter inch diameter female single threaded ports. No single reference comes anywhere near showing this combination of features, and it is not suggested by any combination of the references.

The Examiner is requested to telephone applicant's undersigned attorney at (216) 622-8578 if there are any questions concerning this matter.

In view of the foregoing amendment and remarks, applicant submits that this application is now in condition for allowance, and notice to that effect is respectfully requested.

Respectfully submitted,

Date:

May 10, 2004

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